

SUPREME COURT OF KENTUCKY

ORAL ARGUMENT CALENDAR

THURSDAY, FEBRUARY 11, 2016

10:00 a.m. MATT JONES, ET AL V. LARRY BENNETT, RUSSELL COUNTY SHERIFF, ET AL (2014-SC-000425-DG)

[APPELLANT BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

"Negligence. Qualified Official Immunity. Law Enforcement. Whether a police officer is entitled to qualified official immunity when his failure to prevent a reportedly drunk driver from re-entering his vehicle and turning onto a busy highway resulted in a car accident that seriously injured an innocent motorist."

Discretionary Review granted 5/6/2015

Russell Circuit Court, Judge Vernon Miniard, Jr.

Attorneys for Appellants: Robert L. Bertram and Larry F. Sword

Attorney for Appellees: Arden Winter Robertson Huff

11:00 a.m. KATHY MCABEE V. DARREN C. CHAPMAN, M.D. (2014-SC-000555-DG)

[APPELLANT BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

"Evidence. KRE 615(3). Separation of Witnesses. Experts. Whether the trial court properly exempted the defendant's expert from the separation of witnesses rule based on counsel's statement that the expert's presence was essential to management of the case."

Discretionary Review granted 8/12/2015

Hopkins Circuit Court, Judge James Claud Brantley

Attorney for Appellant: Charles S. Wible

Attorney for Appellee: Charles G. Franklin

FRIDAY, FEBRUARY 12, 2016

9:00 a.m. FURLONG DEVELOPMENT CO., LLC, ET AL V. GEORGETOWN-SCOTT COUNTY PLANNING AND ZONING COMMISSION, ET AL (2014-SC-000594-DG)

"Mutual Release. Performance Bond. Whether a planning commission may call for payment on a performance bond where a developer, on whose behalf the bond was issued in favor of the planning and zoning commission, defaults on its loan obligation to the bank and executes a deed in lieu of foreclosure to the

bank and its property management company. And if so, what is the effect of the language of the mutual release which absolves the developer's surety of any further liability upon execution of the deed in lieu of foreclosure, and what is its effect on the bond obligations and the developer's duty to indemnify the surety?"

[APPELLANT BRIEF](#)

[APPELLEE BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

Discretionary Review granted 8/12/2015

Scott Circuit Court, Judge Robert G. Johnson

Attorney for Appellants: Jeffrey Clayton Rager

Attorney for Georgetown-Scott County Planning and Zoning Commission:
Charles Perkins

Attorney for EGT Properties, Inc. and United Bank & Trust Company: Steven B. Loy and Monica Hobson Braun

10:00 a.m.

**COMMONWEALTH OF KENTUCKY, DEPARTMENT OF INSURANCE, ET AL V. UNITED INSURANCE COMPANY OF AMERICA, ET AL
(2014- SC-000549-DG)**

"KRS 304.15-420. Unclaimed Life Insurance Benefits Act. The issue is whether the requirements of this Act are substantive, and therefore, should only apply prospectively to policies issued on or after the effective date of the Act. The Act requires life insurance companies doing business in Kentucky to make a good faith effort to learn of the deaths of its insureds through periodic reviews of the Social Security Administration's Death Master File and to make good-faith steps to locate and give notice to potential beneficiaries within a 90 day period."

[APPELLANT BRIEF](#)

[AMICUS CURIAE BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

Discretionary Review granted 8/12/2015

Franklin Circuit Court, Judge Phillip J. Shepherd

Attorneys for Appellants: Peter Frank Ervin, Shaun Thomas Orme, La Tasha Arnae Buckner, and Cannon Glenn Armstrong

Attorneys for Appellees: Joseph L. Ardery, Sheryl G. Snyder, Jason Patrick Renzelmann, Mark D. Hopson, Carol Lynn Thompson, Scott J. Heyman, Brian P. Morrissey

11:00 a.m. **LEON M. GRIDER V. COMMONWEALTH OF KENTUCKY (2014-SC-000468-DG)**

[APPELLANT BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

"Criminal Law. Motions in Limine. Admonitions. Motions for Mistrial. The issue is whether testimony which clearly violates the trial court's order on a motion in limine prohibiting such evidence can be adequately cured by an admonition, or whether the trial court, upon a timely motion, must grant a mistrial."

Discretionary Review granted 6/3/2015
Adair Circuit Court, Judge James L. Bowling, Jr.
Attorney for Appellant: Joseph V. Aprile, II
Attorney for Appellee: Taylor Allen Payne
(Justice Daniel J. Venters is recused)